



Meeting note

Project name	Slough Multifuel Extension Project
File reference	EN010129
Status	Final
Author	The Planning Inspectorate
Date	05 October 2021
Meeting with	SSE Thermal and Copenhagen Infrastructure Partners (CIP)
Venue	Microsoft Teams Meeting
Meeting objectives	Project Update
Circulation	All attendees

Summary of key points discussed, and advice given:

Introduction:

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

The Inspectorate explained that the publication of the meeting note could be delayed up to six months, or until a formal scoping request had been submitted (if requested by an Applicant for commercial reasons).

Project Update

The Applicant provided updates in relation to the construction of the project consented under the Town and Country Planning Act (TCPA) as well as legal advice relating to the proposed DCO application to extend the generating capacity of the Multifuel Plant.

Below are the key project updates to the consented scheme and related dates.

- Waste bunker slipform concrete pours – completed August 21
- First Boiler hall slab pour – completed September 21
- Attenuation tank installation – completed October 21
- Stack base construction – commenced October 21
- Steelwork contractor mobilised – October 21
- Legal advice in relation to DCO application obtained – September 21

Scope and Approach to DCO application

The Applicant provided a recap on the proposed DCO application, noting it seeks to increase the Plant's generating capacity by 10MWe, from 49.9MWe, granted consent under TCPA, to up to 60MWe. A number of physical works (engineering operations) will be required to facilitate the increase in capacity. The Applicant's intention is to apply for an

extension to allow for this capacity increase. The Applicant's legal advice is that the engineering works constitute development under the Planning Act 2008. The Applicant added that there is no change in terms of the steam offtake or an increase in the number of permitted vehicle movements.

Description of the physical works

The Applicant confirmed that a number of physical works are needed to deliver the increase in capacity, with the most significant works being the installation of primary and secondary air preheating systems to each boiler to increase the thermal efficiency of the station, and modifications to the steam turbine inlet control valve to increase the steam capacity and increase the gross output of the Multifuel Plant. The Applicant confirmed that the physical works are engineering operations and thus constitute development for the purposes of Section 31 of the Planning Act 2008.

Extension Definition

The Applicant stated that 'Extension' is defined within Section 235 of the Planning Act 2008 as having the same meaning as given by Section 36(9) of the Electricity Act 1989 (EA 1989). The Applicant added that, in their view, it is clear from the word 'includes' at s36(9) that 'extension' may comprise circumstances other than those set out in s36(9), including an increase in installed capacity (*Attorney-General v Ealing Corporation [1924]* - where the installation of smaller replacement generating units with a higher capacity represented an extension). The Applicant added that Section 15 of the Planning Act 2008 defines thresholds by reference to 'capacity' rather than physical extent. The Applicant's legal advice is that the term 'extension' in s15 of the Planning Act 2008 should be interpreted as including a capacity increase in a generating station, even where there is no physical 'spreading out of expansion' of the generating station.

The conclusion of the Applicant's legal advice is that a DCO application may be made to extend the existing consented Multifuel Plant by physical works (engineering operations that are development) where those works increase the capacity, even where they do not expand the footprint of the Plant.

The Inspectorate noted the Applicant's approach to the definition of 'extension'. The Inspectorate queried how the extension will be reflected in the Environmental Impact Assessment (EIA), as the Applicant already has an Environmental Statement for the consented Plant. The Inspectorate added that it would need a timeline with regard to any scoping request. The Applicant advised mid-November for submission of the scoping request and that it would aim for the scoping period to finish before Christmas 2021 if possible. The Applicant added that it would keep the Inspectorate informed of any progress.

The Inspectorate noted that there is a level of ambiguity with extension definitions and the subsequent consenting regimes that applications fall into. The Inspectorate is feeding back to DLUHC and BEIS.

Stage 1 Consultation

The Applicant is preparing for its non-statutory, first stage of consultation, and is seeking to take a proportionate approach given the previous work at the site. The Applicant noted

that while there are physical works proposed, these will not be visible to nearby communities.

The Local Liaison Group including the Local Planning Authority, Slough Borough Council, have been briefed on the proposed extension. The Applicant aims to issue a community update from mid-November (as part of the first stage of consultation) which will include briefing local Members of Parliament and key stakeholders; a community update newsletter sent to approximately 2,500 homes and businesses; newspaper notices; and an updated page on the SSE website. The Applicant will provide a minimum 30-day period for the submission of comments. The Applicant noted that it has a good relationship with key stakeholders, with engagement concerning construction of the consented Plant ongoing.

The Inspectorate added that under the Planning Act 2008 regime, there are 'D' authorities who need to be consulted. [Advice note two](#) provided more clarification.

EIA Scoping

The Applicant noted its intention to submit an EIA scoping request to the Inspectorate in mid-November 2021; the shapefile will be shared as soon as possible. The Applicant noted that the EIA for the extension will draw on EIA undertaken for the consented Plant. The Applicant is proposing to adopt different scenarios for the EIA of the extension and highlighted to the Inspectorate that given the nature of the extension, significant changes in terms of environmental effects are not expected. The approach to the assessment scenarios is expected to be:

- Future baseline scenario
- Construction scenario (Assessment of the proposed extension works relative to the future baseline scenario)
- Operational scenario (Assessment of the incremental change associated with the extension against the future baseline scenario)
- Decommissioning scenario (At end of operational life)

In the absence of detailed information, the Inspectorate was unable to comment on the suitability of the scenarios proposed but noted that there had been previous extension projects that might be of relevance to the assessment approach.

The Applicant confirmed that the combined and cumulative effects would be assessed.

The Applicant reminded the Inspectorate that there would be no change to vehicle numbers as a result of the extension, however, the vehicles may be larger, and the operations may be extended because less maintenance time is now expected to be needed, allowing a more continuous operation. The Inspectorate questioned whether there will be any difference in the characteristics of the vehicle noise and vibration issues. The Applicant noted that part of the assessment will be assessing vehicle noise. The Applicant added that the vehicles themselves have not changed, although the payload would be increased by 10%.

The Inspectorate questioned the assessment data used to inform the EIA; specifically, as to whether the Covid-19 situation will have an impact on transport modelling. The Applicant stated that the approach is not yet fixed and that two possible options are being considered; one using 2018 data (although this would need to account for construction

traffic), the other with 2013/14 data factored up to present day appropriately. The Inspectorate noted that over 5 years traffic data is generally considered to be less reliable and that use of more up to date information would be preferable.

In regard to the pre-construction baseline the Inspectorate noted it would have to view the Applicant's methodology and consider the implications of the project and provide advice at a later date or within the Scoping Opinion.

Programme

The Applicant provided programme updates:

- Non statutory (Stage 1) consultation (broadly aligned with EIA scoping)
- EIA scoping – mid-November to December 2021
- Statement of Community Consultation – January 2022
- Stage 2 (Statutory) consultation – March to April 2022
- DCO Application submission – end July/early August 2022

Other

The Inspectorate asked whether the Applicant had considered the draft National Policy Statements (NPS'), as they may be designated by time of the Applicant's submission. The Inspectorate queried as to whether there is anything within the NPSs that may impact on the submission. The Applicant will have regard to the draft NPSs in their application.

Specific decisions/ follow-up required?

The following actions were agreed:

- GIS Shapefile to be shared w/c 11 October. It is to be checked internally as the red line boundary may change to give an indication of the location/extent.
- Applicant to submit New Case Information including description of works. The Applicant agreed that the template will be submitted shortly.
- The Inspectorate and the Applicant agreed that the project page on the NI website will be established shortly.